IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 3387 of 2005

Between:

Yadika Chinna Subba Reddy S/o Musala Reddy
R/o East Gangavaram, Talur Mandal, Prakasam District

..... PETITIONER

AND

1 The Government of Andhra Pradesh, rep by Executive Engineer, Roads & Buildings Department, Kanigir Mandal, Kanigiri Prakasam District
2 The Deputy Executive Engineer, Roads & Buildigns, Podili, Podili Mandal, Prakasam District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declare the action of the respondent in seeking to lay a road over the land of the petitioner situated in an extent of 300Sq. feet at block NO.6, Turupu Gangavaram Village, Tallur Mandal, Prakasam District without issuing any notice under any provisions of law and without following due process of law as illegal, arbitrary unjust and violative of principles of natural justice by issuing appropriate writ of mandamus, order or direction.

Counsel for the Petitioner: MR.M.V.S.SURESH KUMAR

Counsel for the Respondent Nos.1 and 2: GP FOR ROADS & BUILDINGS

The Court made the following:

ORAL ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the respondents in seeking to lay road over the land of the petitioner situated in an extent of 300 Sq. feet at Block No.6, Turupu Gangavaram village, Tallur Mandal, Prakasam District without issuing any notice under any provisions of law and without following due process of law as illegal and arbitrary.

The learned counsel for the petitioner has contended that without issuing any notice or without acquiring the land of the petitioner, the respondents are trying to lay road on the petitioner's land.

On the other hand, on instructions, the learned Government Pleader for Roads and Buildings has stated that 80 per cent of the work of laying road was completed and the respondents did not encroach on the petitioner's land.

In view of the submission made by the learned Government Pleader for the respondents, the writ petition is disposed of. In the circumstances of the case, there shall be no order as to costs.

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(K.C. BHANU, J.)

23rd February, 2005.

bcj

To

1 The Executive Engineer, Roads & Buildings Department, The Government of A.P., Kanigir Mandal, Kanigiri, Prakasam District
2 The Deputy Executive Engineer, Roads & Buildigns, Podili, Podili Mandal, Prakasam District

3 Two C.Cs. to the Government Pleader for Roads and Buildings, High Court Buildings, Hyderabad (OUT)

4 Two C.D. copies.

Note: Furnish copy by tomorrow.

B/o.

bcj